

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT HUNTINGTON

WILLIAM WATSON,

Plaintiff,

V.

CIVIL ACTION NO. 3:03-0330

SCOTT SIMMS, Sheriff
of Mason County,

Defendant.

FINDINGS AND RECOMMENDATION

By order entered October 20, 2005, plaintiff was advised that, since “the parties have shown no interest in further prosecution,” it would be recommended that this action be dismissed unless good cause for retention was shown by the parties. The parties were further advised that they would be given thirty days within which to demonstrate good cause and failure to respond to the order would result in the entry of a judgment denying the relief sought in the complaint and dismissal of the action. Although the time provided for filing has passed, the parties have failed to respond in any manner.

RECOMMENDATION

In light of the foregoing, it is **RESPECTFULLY RECOMMENDED** that the complaint and this action be dismissed with prejudice.

Plaintiff and defendant are hereby notified that a copy of these Findings and Recommendation will be submitted to the Honorable Robert C. Chambers, United States District Judge, and that, in accordance with the provisions of Rule 72(b), Fed.R.Civ.P., the parties may, within thirteen days from the date of filing of these Findings and Recommendation, serve and file written objections with the Clerk of this Court identifying the portions of the Findings and Recommendation to which objection is made and the basis for such objection. The Judge will make a de novo determination of those portions of the Findings and Recommendation to which objection is made in accordance with the provisions of 28 U.S.C. §636(b) and the parties are advised that failure to file timely objections will result in a waiver of their right to appeal from a judgment of the district court based on such Findings and Recommendation. Copies of objections shall be served on all parties with copies of the same to Judge Chambers and this Magistrate Judge.

The Clerk is directed to file these Findings and Recommendation and mail a copy of the same to plaintiff and counsel of record.

DATED: November 29, 2005


MAURICE G. TAYLOR, JR.
UNITED STATES MAGISTRATE JUDGE